SINGLE BENCH (4)

P.R. No. 3428/06
Presented by Shri sashrouchandel
dated 7/7/06

C.S. 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 3357/2006

PETITIONER :- H.K. Meshram S/o late Shri S.B. Meshram, aged about 38 years, R/o Malviya Nagar, Station Road, Durg [C.G.].

VERSUS

RESPONDENTS :- (1) State of Chhattisgarh, Through- Secretary, Department of Energy, Raipur [C.G.].

(2) Additional Secretary, of Chhattisgarh State Electricity Board, Raipur [C.G.].

RECEIVED-COPY
CLERK to A. G. BILASPUR
7/7/06

PETITION UNDER ARTICLE 226/ 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3357/ **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-7-2006 Mr. J.K. Shastri, counsel for the petitioner. Miss Deepali Pandey, Panel Lawyer for the State, on advance copy. Heard both the counsel. By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality and propriety of the order dated 3-7-2006 passed by respondent No.2, whereby the petitioner has been transferred from Durg to Raipur. The case of the petitioner is that he is working as Executive Engineer in Chhattisgarh State Electricity Board at Durg since September, 2004. The main ground of challenge is that this transfer is contrary to the transfer policy of CSEB circular dated 27-8-2005 (Annexure P-5). Learned counsel for the petitioner submits that as per the transfer policy Annexure P-5, transfers can be made only in the months of May, June, November and December. In normal cases, concerned employee or Officer becomes eligible for transfer on completion of three years period at one place. In the first instance, the petitioner has almost completed one year ten months at Durg. Moreover, this circular issued by CSEB is a guiding factor for the Officers, but this is not the statutory guideline and therefore, as per the Apex Court's judgment in the case of **Union of India and others v. S.L. Abbas** reported in **AIR 1993 SC 2444**, it is not legally enforceable. It is settled law that transfer can be questioned only when it is made on mala fide grounds or contrary to the statutory rules, but there is no such ground in the instant writ petition.	

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...W.P.3357/... सन् 200 6

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner further argued that the petitioner belongs to Scheduled Caste category and being Scheduled Caste he should not have been transferred. Learned counsel drew the attention of the Court towards the circular issued by the Government (Annexure P-6) dated 6-8-2003. Perusal of the circular shows that the cases of Officers belonging to Scheduled Caste, Scheduled Tribe and Other Backward Classes must be dealt with leniency and bonafideness, and they should not be transferred frequently. There are no allegations in this petition that the petitioner is not being dealt with leniency or with bonafideness. Moreover, there are no allegations that the transfer is out come of maia fide. Therefore, I do not find any merit in the argument advanced by learned counsel for the petitioner. In the result, the writ petition is dismissed having no merit. No order as to costs. Consequently, M.(W.)P.No.2585/2006 stands disposed of. Sd/- L.C. Bhadoo Judge	

(पीछे देखिये)